

JUDGE'S COPY

MCC:JJT:nz

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CARLOS BRUZON,

Petitioner,

v.

UNITED STATES IMMIGRATION AND
NATURALIZATION SERVICE,

Respondent.

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NO. 1:CV-01-1176

(RAMBO, J.)

FILED
HARRISBURG

AUG 9 2001

MARY E. D'ANDREA, CLERK
DEPUTY CLERK

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, Respondent, the United States Immigration and Naturalization Service, by its attorneys, Martin C. Carlson, United States Attorney for the Middle District of Pennsylvania, and Joseph J. Terz, Assistant United States Attorney, respectfully requests an enlargement of time in which to file a response to Carlos Bruzon's habeas corpus petition. As grounds for this motion, Respondent states as follows:

1. On June 27, 2001, the Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.
2. On July 2, 2001, the Court issued an Order directing the Respondent to respond within twenty (20) days of the date of the Order.
3. On July 23, 2001, Respondent filed a motion for enlargement of time in which to file a response. The grounds for

the request were that the INS required additional time to provide the undersigned with relevant documents.

4. On July 30, 2001, the Court granted Respondent's request for a five (5) day enlargement of time.

5. On July 30, 2001, in light of the United States Supreme Court ruling in Zadvydas v. Davis, ___ U.S. ___, 121 S. Ct. 2491 (2001), Respondent requested an additional ten (10) days to file a response.

6. Although mindful of the fact that the Court has already granted Respondent two requests for enlargement of time, Respondent requires another extension.

7. In 1998, the Petitioner in this case, Carlos Bruzon, arrived in this country along with thousands of other Cubans as part of the 1980 Mariel boatlift.

8. Since the recent United States Supreme Court ruling in Zadvydas, Mariel Cubans detained throughout the country have filed habeas corpus petitions challenging their continued detention.

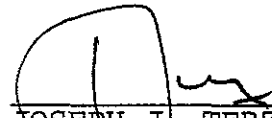
9. The Department of Justice, Office of Immigration Litigation ("OIL"), is in the process of determining how to respond to the Mariel Cuban's petitions in light of Zadvydas. OIL has advised the undersigned that this review process will require an additional three weeks. Respondent therefore requests an enlargement of time of three weeks until August 30, 2001, to file its response.

10. The undersigned did not seek Petitioner's concurrence because Carlos Bruzon is currently incarcerated and is proceeding pro se.

WHEREFORE, Respondent requests that the Court grant a three week extension of time to respond to this Petition.

Respectfully submitted,

MARTIN C. CARLTON
United States Attorney

A handwritten signature in dark ink, appearing to read 'J. Terz', is written over a horizontal line.

JOSEPH J. TERZ
Assistant U.S. Attorney
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, Pennsylvania 17108-1754
(717) 221-4482

Date: August 9, 2001

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v.	:	(RAMBO, J.)
	:	
UNITED STATES IMMIGRATION AND	:	
NATURALIZATION SERVICE,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

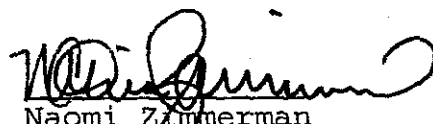
That this 9th day of August, 2001, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Carlos Bruzon Guillen, A22-801-576
PIKE COUNTY JAIL
H.C. 8, Box 8601
Hawley, Pennsylvania 18428


Naomi Zimmerman
Legal Secretary